

REMARKS/ARGUMENTS

The Office Action dated September 3, 2004 has been received and its contents carefully considered. Applicants wish to express their appreciation to Examiner Ridley for the Examiner's Interview granted on December 23, 2004. Currently, claims 1-20 are pending. Claims 1-20 have been rejected. Claims 21 and 22 have been added.

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Sackett* in view of *Lovette* and further in view of *Huth* and further in view of *Clancy* and further in view of *Stock*. It is respectfully submitted that *Sackett* does not teach, *inter alia*, a device for feeding particulate material comprising “a movable plate having a hinged end and a free end and located above at least a second portion of the conveyor belt approximate to said second end” in combination with the additionally claimed features as recited in claim 1 and similarly in claims 11 and 16.

Sackett, on the other hand, discloses an invention related to an automatic weighted quantity bag filling apparatus. In the Examiner's interview granted on December 26, 2004, the Examiner provided additional clarification to the rejection cited in the previous Office Action by regarding a device shown in Figure 1, near the closed switch 6 and below bin 1, as corresponding to the movable plate having a hinged end as recited in claim 1 and similarly in claims 11 and 16. However, upon further review of the prior art, the aforementioned device does not teach a

“movable plate having a hinged end and a free end and located above at least a second portion of the conveyor belt proximate to said second end” as recited in claims 1 and 11 and similarly in claim 16. *Lovette, Huth, Clancy*, and *Stock* do not cure the deficiencies of *Sackett*, because they, too, do not teach “a movable plate having a hinged end and a free end and located above at least a second portion of the conveyor belt proximate to said second end” in combination with the additional features as recited in claim 1 and similarly in claims 11 and 16.

In accordance with the M.P.E.P. §2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re: Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re: Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494 196 (CCPA 1970). Therefore, since the prior art lacks all the claimed features, *Sackett*, alone or in combination with *Lovette, Huth, Clancy*, and *Stock* cannot be said to teach or suggest the invention as recited in claim 1 and similarly in claims 11 and 16. Hence, withdrawal of the rejection is respectfully requested.

Claims 2-10 depend ultimately from independent claim 1 and are patentable over the cited prior art for at least the same reasons as is claim 1.

Claims 12-15 depend ultimately from independent claim 11 and are patentable over the cited prior art for at least the same reasons as is claim 11.

Claims 17-20 depend from independent claims 16 and are patentable over the cited prior art for at least the same reasons as is claim 16.

Claim 21 has been added. It is respectfully submitted that the cited prior art does not teach, *inter alia*, a device for feeding particulate material comprising “a movable plate having a hinged end and a free end and located above for at least a second portion of a conveyor belt

proximate to said second end... a means for guiding the particulate material connected to the material inlet, said guiding means comprising side skirts which are generally configured to traverse a length of the conveyor belt including an angular portion of the conveyor belt” in combination with the additionally claimed features, as recited in claim 21. The side skirts facilitate defining sides of a flow path for the particulate material. An additional advantage of providing the side skirts as recited in claim 21 may include, *inter alia*, controlling the feeding of particulate material while allowing said material to feed in a free-flowing or highly fluid state including, for example, utilization within a compact belt-type feeder design.

Claim 22 has been added. It is respectfully submitted that the cited prior art does not teach, *inter alia*, a device for feeding particulate material comprising “a rear end skirt that extends across the width of the conveyor belt located in a rearward direction from the material inlet, said rear end skirt connecting to the side skirts” as recited in claim 22. The rear end skirt prevents particulate material from escaping the conveyor belt in the rearward direction from the material inlet. Connected in combination with the side skirts, the rear end skirt may facilitate, *inter alia*, controlling the feeding of particulate material while allowing said material to feed in a free-flowing or highly fluid state including, for example, utilization within a compact belt-type feeder design.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Applicants petition for a two-month extension of time. Enclosed is a check in the amount of \$450.00. Please charge \$100.00 to Deposit Account No. 50-2036 for two extra claims fee.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read 'Marc W. Butler', with a long horizontal flourish extending to the right.

Marc W. Butler
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